



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

October 5, 2021
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Antonio Logan, Friendship Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation for Fire Prevention Week to Hickory Fire Department. **(Exhibit IV.A.)**
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of September 21, 2021. **(Exhibit VI.A.)**
- A** B. Special Meeting of September 21, 2021. **(Exhibit VI.B.)**
- A** C. Special Meeting of September 28, 2021. **(Exhibit VI.C.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Consideration of a Speed Limit Reduction to 25 MPH along 3rd Avenue SE between NC Highway 127 and South Center Street along 2nd Street SE between 3rd Avenue SE and 2nd Avenue SE, and along 1st Street SE between 3rd Avenue SE and 2nd Avenue SE. **(First Reading Vote: Unanimous)**
- A2** B. Budget Revision Number 5. **(First Reading Vote: Unanimous)**
- A2** C. Consideration of Rezoning Petition 21-03 for Property Located Near Startown Road, Containing Approximately 108.25 Acres, Owned by Trivium Corporate Center, Inc. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- PH** A. Call for a Public Hearing for Consideration of Proposed Redistricting Plans **(Authorize Public Hearing for October 19, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.)**
- PH/A** B. Call for a Public Hearing for Consideration of the Voluntary Contiguous Annexation of 1.99 Acres of Property Located at 2185 13th Avenue Drive SE, PIN 3712-20-80-5063.

October 5, 2021

(Authorize Public Hearing for October 19, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.) (Exhibit VIII.B.)

- A** **C.** Cemetery Deed Transfer from Gretchen Scronce and husband, Haley Hall; Guy Paul Scronce and wife, Elizabeth K. Lamb-Scronce; Heidi Scronce and husband Peter Stone; Gabrielle Scronce and husband David Davis Morse; and Gretchen Scronce, as Executrix of the Estate of Wilton Paul Scronce to David Jack Wilkinson, single, (Oakwood Cemetery, Plot E, Lot No. 6-A, Section 33, Spaces 1 and 2) (Prepared by Kimberly H. Whitley, Esq., Patrick, Harper & Dixon, LLP). **(Exhibit VIII.C.)**
- A** **D.** Cemetery Deed Transfer from City of Hickory to James Y. Der and Helen Der (Southside Cemetery, Plot B, Lot Nos. 8, 9, 20, and 21, Section 5) (Prepared by Arnita M. Dula, Deputy City Attorney). **(Exhibit VIII.D.)**

- A** **E.** Approval of Amendment Four with Design Workshop, Inc. for Additional Services for the Riverwalk Project in the Amount of \$31,395. **(Exhibit VIII.E.)**

Staff requests Council's approval of a contract amendment with Design Workshop, Inc. for additional services for the Riverwalk project in the amount of \$31,395. The City has been working with Design Workshop, Inc. on the Riverwalk project since being awarded the original contract on February 7, 2017, in the amount of \$798,654. In the summer of 2018, the City explored with the design team an on-land trail for part of the Riverwalk project. Following the results of the Geotech findings, the Bond Implementation Commission and Hickory City Council approved the recommendation to design the Riverwalk as both on-land and over the water. During installation of the drilled shafts for the bridge, solid rock was encountered at a much shallower depth than originally anticipated. The redesign of the shafts will allow the contractor to minimize the depth of the shafts in rock and have a substantial savings in time and money for the project. Amendment number four to this agreement will include two tasks. Coordination with the geotechnical engineer to review the drilled shafts as the work progresses and redesign as necessary and the review of shop drawings and make recommendations for approval per the original design of the project. Staff recommends Council's approval of the contract amendment with Design Workshop, Inc. for additional services for the Riverwalk project in the amount of \$31,395.

- A** **F.** Approval of a Professional Services Agreement with Freese and Nichols, Inc. in the Amount of \$344,960 for Northwest Sewer Extension Design/ARC Grant. **(Exhibit VIII.F.)**

Staff requests Council's approval of a Professional Services Agreement with Freese and Nichols, Inc., for the Northwest sewer extension design/ARC Grant in the amount of \$344,960. This project is the result of development of the Airport area coupled with the City's Bond initiative opening up the area for future development. The project received partial funding from the Appalachian Regional Commission for this sewer project. RFQ's were advertised for this service and received on April 16, 2021. There were five firms that responded to the solicitation for RFQ's: Freese and Nichols, Inc.; Clayton Engineering; Civil and Environmental Consultants; McGill Associates; and KCI. After staff review, Freese and Nichols was determined to be the most responsible respondent to the RFQ. Staff recommends Council's approval of a Professional Services Agreement with Freese and Nichols, Inc., for the Northwest sewer extension design/ARC Grant in the amount of \$344,960.

- A** **G.** Approval of Amendment Three to the Bulk Water Sale Agreement with the Town of Mooresville. **(Exhibit VIII.G.)**

Staff requests Council's approval of a Third Amendment to the Bulk Water Sale Agreement between the City of Hickory and Town of Mooresville. The City of Hickory and Town of Mooresville entered into an agreement to sale bulk water to the Town of Mooresville as they were in the process of upgrading the Mooresville Water Treatment Facility. Within that agreement there existed the provision to continue this agreement through consecutive 5-year renewals. The amendment is the third renewal option for the provision of bulk water.

The Town of Mooresville in this agreement was required to extend waterlines along NC Hwy 150 from Sherrill's Ford School Road to the eastern side of Lake Norman at approximately Big Daddy's Restaurant and Store for the City of Hickory. This proposed amendment follows the provisions of the original agreement and the first amendment with all respects, except the updated volumetric rate of purchase and updated years it will be in effect. The purchase price for water will be equivalent to the outside rates for the City of Hickory. The effective dates of this amendment will be from date of approval until June 30, 2025. Water rates are subject to adjustment annually as approved by City of Hickory City Council. The original agreement was executed on May 16, 2003. No water has been purchased from the City of Hickory by the Town of Mooresville since completion of construction of necessary waterlines, however the City of Hickory currently has customers along this section of waterline. Staff recommends Council's approval of the Third Amendment to the Bulk Water Sale Agreement between the City of Hickory and Town of Mooresville.

- A** **H.** Approval of a Professional Services Agreement with R. Joe Harris & Associates for the Short Road/Eller Road Waterline Extensions Project Design in the Amount of \$60,525. **(Exhibit VIII.H.)**

Staff requests Council's approval of a Professional Services Agreement with R. Joe Harris & Associates for the Short Road/Eller Road waterline extensions project design in the amount of \$60,525. This project is the result of the Startown Road area and current development needs coupled with the ability to serve future land areas in the basin to spur economic development for the City of Hickory. This waterline extension will connect infrastructure from Robinson Road to Startown Road opening the corridor for development and creating a more robust distribution system. Staff requests Council's approval of a Professional Services Agreement with R. Joe Harris & Associates for the Short Road/Eller Road waterline extensions project design in the amount of \$60,525.

- A1** **I.** Budget Revision Number 6. **(Exhibit VIII.I.)**

1. *To appropriate \$9,750 from Transportation Fund Balance towards Fixed Base Operations for contracted services for the demolition of a blast wall located on the west ramp of the Airport.*
2. *To transfer \$40,000 in Contingency funds as well as appropriate \$50,000 in Fuel Revenues towards the Airport M&R Buildings account in order to grade the site of the new 12,000 square foot hangar on the west ramp of the airport.*
3. *To recognize and appropriate \$409,535 in CDBG funds towards Business Development operations and programming expenses as part of the FY22 Budget adopted by City Council on June 15, 2021.*
4. *To recognize and appropriate \$2,725 from Catawba County towards Hickory Fire Department supplies for the reimbursement of damaged hazmat supplies.*
5. *To establish the Short Road Water Project Ordinance (#803307) and appropriate \$60,525 of Water and Sewer Fund Balance towards the project for an agreement with R. Joe Harris & Associates for project design services.*
6. *To establish the NW Sewer Extension/ARC Grant Project Ordinance (#803308) and appropriate \$25,000 of Water and Sewer Fund Balance towards the project for an agreement with Western Piedmont Council of Governments for grant management services.*
7. *To appropriate \$344,960 of Water and Sewer Fund Balance towards the ARC Grant Sewer Project for an agreement with Freese and Nichols, Inc. for project design and engineering services.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

A1

1. Consideration of Proposed Amendments Related to the Hickory Trail System, Section 18-1, and the Addition of Section 18-59 to Chapter 18 Motor Vehicles and Traffic of the Hickory City Code of Ordinance – Presentation by Deputy City Attorney Arnita Dula. **(Exhibit XI.A.1.)**

Consideration of amendments to the Chapter 18 of the Hickory Code of Ordinances. As part of the 2014 citizen supported \$40 million bond referendum, the City is engaged in constructing the Hickory Trail, a 10-mile multi-use path made up of the City Walk, Historic Ridgeview Walk, OLLE Art Walk, Riverwalk, and Aviation Walk. The Hickory Trail will provide pedestrians, bicyclists and other vehicle operators safety while connecting popular amenities and destinations. Section 18-1 of Chapter 18 currently defines "sidewalk," but it does not define "multi-use trail" which is to be distinguished from a traditional sidewalk. Other chapter sections also address the use of bicycles, skateboards, and other similar vehicles on traditional City sidewalks, but these sections do not address such use on the Hickory Trail, which is a multi-use pathway. The proposed amendment to Section 18-1 will define "multi-use trail." Currently, Section 18-59 is reserved for future use. Placing 18-59 into operation is proposed to address the types of vehicles that will be permitted on the multi-use trail system. Staff recommends Council's approval of the amendments to Chapter 18 of the Hickory Code of Ordinances.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 24, 2021.

A1

2. Consideration of Rezoning Petition 21-05 for 3617 Section House Road, Located Between Adam Street and Garren Drive – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

The property located at 3617 Section House Road is currently zoned R-1. Due to floodplain constraints on the western portion of the property the owner is seeking to rezone their property to allow for higher density to increase the developability of their parcel. Under the current City and County zoning the property can be developed for single and two-family residential uses at a density of two dwelling units per acre. Given the current zoning, the property could theoretically yield 41 dwelling units. The subject property is currently vacant; however, the owners intend to develop the property as a single-family residential subdivision. The owners have requested the property be zoned Residential – 2 (R-2). The density and uses in R-2 are different than R-1. The maximum R-2 density is four units per acre; however, R-2 does not permit duplexes or manufactured homes as allowed by the R-1 district. Given the area, 20.66 acres, the property could theoretically yield 82 single-family lots under R-2 zoning. The Hickory Regional Planning Commission conducted a public hearing on September 22, 2021, to consider the petition and voted unanimously (8-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 24, and October 1, 2021.

B. Departmental Reports

A

1. Ward Rebalancing Update, Consideration of Adding Option 3 – Presentation by City Manager Warren Wood

NA

2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Alderman William Appoints)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

VACANT

VACANT

VACANT

Differently Abled (Council Appoints) Beth Whicker
(Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Licensed Architect (Council Appoints)

Ernie Sills

(Not Eligible for Reappointment)

At-Large (2)(Council Appoints) Mary Moorer
(Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints)
Ward 6 (Patton Appoints)
(Eligible for Reappointment/Does Not Wish to Serve Again)

VACANT

Gail Miller

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints)
At-Large (Mayor Appoints)

VACANT

Beth Bowman

(Not Eligible for Reappointment)

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 3 (Mayor Appoints)
Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements)

VACANT

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following
Appointments:

Fred T. Foard VACANT
Homeschool VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business
Nature

City Attorney John Crone requested adding a brief closed session to discuss Catawba County Superior Court Case Number 20CVS2408.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

NA 1. Discussion of Pending Litigation Catawba County Superior Court Case Number 20CVS2408 – NCGS §143-318.11(a)(3).

XV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

<p>The City of Hickory holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting. Phone Services (hearing impaired) – Call 711 or 1-800-735-2962</p>
